

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

JAMES GHASAR, et al.

Plaintiffs,

v.

ALEJANDRO AMAYA, et al.,

Defendants.

Civil Action No. 1:18-cv-01296

STIPULATION OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), it is hereby stipulated and agreed, by Plaintiffs James Ghaisar and Kelara Ghaisar and Defendants Alejandro Amaya and Lucas Vinyard, through their respective counsel, that this action is hereby dismissed, with all parties to bear their own costs and attorneys' fees.

Plaintiffs filed this action and their related action against the United States under the Federal Tort Claims Act (FTCA), Civil Action No. 1:19-cv-1224, as complementary actions. However, the FTCA's judgment bar provision, 28 U.S.C. § 2676, states that the "judgment in an action under" the FTCA "shall constitute a complete bar to any action by the claimant, by reason of the same subject matter, against the employee of the government whose act or omission gave rise to the claim." Under this provision, a judgment on Plaintiffs' action against the United States will preclude recovery in Plaintiffs' *Bivens* action. Because of this, Plaintiffs are electing to dismiss their *Bivens* action at this time. Plaintiffs intend to continue to pursue their FTCA claim.

Counsel for the United States has represented that as the United States is no longer a party to this action, it takes no position on this dismissal.

Dated: August 18, 2020

Respectfully submitted,

/s/ Thomas G. Connolly

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2020 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will service notice of such filing upon all parties and counsel of record.

/s/ Thomas G. Connolly

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